

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 16-CV-00664-WJ-WPL

No. 13-CR-02624-WJ

PHILLIP NAPOLEAN CONTRERAS,

Defendant.

**ORDER**

This matter is before the Court, *sua sponte* under rule 4(b) of the Rules Governing Section 2255 Cases, on Defendant Phillip Napoleon Contreras's Motion To Correct Sentence Under 28 U.S.C. § 2255, which seeks to vacate the enhancement of Defendant's sentence under the Armed Career Criminal Act and the career offender provision of the United States Sentencing Guidelines, in light of the United States Supreme Court's decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015). [CV Doc. 1; CR Doc. 42] In his motion, Defendant states that "[d]ue to time constraints," he was unable "to fully brief the issues presented in this petition" and indicates that he will "ask for leave to supplement this petition at a later time." [CV Doc. 1; CR Doc. 54]

The Court will set a briefing schedule on Defendant's § 2255 motion and direct the United States to file an answer.

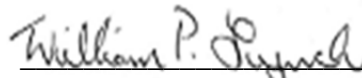
IT IS HEREBY ORDERED that the Clerk is directed to forward to the United States of America a copy of Defendant's Motion To Correct Sentence Under 28 U.S.C. § 2255 and a copy of this Order;

IT IS FURTHER ORDERED that, within thirty (30) days of the entry of this Order, Defendant shall file a brief addressing why he is entitled to relief on his Motion To Correct

Sentence Under 28 U.S.C. § 2255;

IT IS FURTHER ORDERED that, within thirty (30) days of the filing of Defendant's brief, the United States shall file an answer to Defendant's Motion To Correct Sentence Under 28 U.S.C. § 2255.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "William P. Lynch", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE